

11/21/2012 11:41 FAX 2128057901

HON. HAROLD BAER, JR.

www

NOV. 20, 2012 19:46 9734250159

MCELROY DEUTSCH

#0410 P.002 /004

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP
ATTORNEYS AT LAW

1300 MOUNT KEMBLE AVENUE
P.O. BOX 2076
MORRISTOWN, NEW JERSEY 07962-2075
(973) 993-8100
FACSIMILE (973) 425-0161

WALTER F. TIMPONE
Direct dial: (973) 425-8701
wtimpone@mdmc-law.com

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11-21-12

November 20, 2012

Via Fax

Hon. Harold Baer, Jr.

United States District Judge

United States District Court, Southern District of New York

500 Pearl Street

New York, NY 1007

Dear Judge Baer:

*Re: United States v. Dominick Carollo**Docket No. 1:SI 10 CR 00654-001 (HB)*

Dear Judge Baer:

I am writing to request a postponement of Dominick Carollo's surrender date so he can have necessary surgery before his imprisonment. Mr. Carollo is scheduled to report to the Federal Prison Camp at Pensacola on Monday, November 26, 2012 to begin serving his 36 months sentence.

Last week, Mr. Carollo began experiencing symptoms of painful and bloody urination. He consulted with his family doctor, who referred him to Ephraim Olweny, M.D., Assistant Professor of Urology and Surgery at Robert Wood Johnson Medical School. Dr. Olweny diagnosed Mr. Carollo as suffering from "significant benign prostatic hypertrophy resulting in considerable bladder outlet obstruction" and "a 2 cm speculated bladder stone." Dr. Olweny recommends that Mr. Carollo undergo surgery without which he could develop acute urinary retention, a urologic emergency that would require emergent urethral catheterization. (See attached letter from Dr. Olweny.)

NEW JERSEY

NEW YORK

PENNSYLVANIA

CONNECTICUT

MASSACHUSETTS

COLORADO

DELAWARE

Sent By: ;

2122473978;

Nov 21 12 6:46 PM

0004

NOV 20 2012 19:46 9734250159

HON. HAROLD BAER, JR.

MCELROY DEUTSCH

#0410 P.003 /004

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

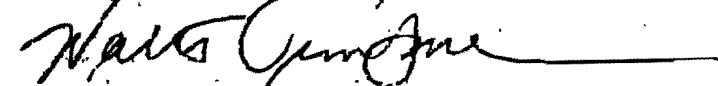
Page 2

Dr. Olwneny's predicts recovery from the surgery will take 2-4 weeks. I am requesting, therefore, a one month postponement of his reporting date for surgery and recovery. This will permit Mr. Carollo to begin his incarceration free of pain and healthier. Dr. Olwneny opines that without this surgery, Mr. Carollo's condition will worsen and he will run the risk of having a significant medical emergency during his incarceration.

Your consideration of this request is greatly appreciated.

Very truly yours,

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP



Walter F. Timpohe

cc: Antonia R. Hill, USDOJ

11/21/12 I'll grant an adjournment
 of Carollo's surrender to noon on Monday
 Dec 17. you should know I have spoken
 to the Doctor and to the medical staff
 Doctor in Passacala + both believe his Doctor
 believes a month would cause no great medical
 problem + Passacala is equipped to handle his
 medical so it is unlikely there will be a further
 adjournment + Passacala believes the sooner he
 Passacala begins the better for him in terms of
 treatment. You decide. SORDERER
 [Signature] USDOJ

I'LL GRANT AN ADJOURNMENT OF CAROLLO'S SURRENDER TO NOON ON MONDAY DEC. 17. YOU SHOULD KNOW I HAVE SPOKEN TO HIS DOCTOR AND TO THE MEDICAL STAFF DOCTORS IN PENSACOLA, HIS DOCTOR BELIEVES A MONTH WOULD CAUSE NO GREAT MEDICAL PROBLEM AND PENSACOLA IS EQUIPPED TO HANDLE HIS MALADY SO IT IS UNLIKELY THERE WILL BE A FURTHER ADJOURNMENT AND PENSACOLA BELIEVES THE SOONER HIS PROCESSING BEGINS THE BETTER FOR HIM IN TERMS OF TREATMENT - YOU DECIDE.